

Appl. No. : Not yet assigned
Filed : Herewith

IN THE CLAIMS:

Please cancel all the pending claims 1-50.

Please add the following new claims ⁵⁹~~51~~-108:

⁵⁹~~51~~. (NEW) An isolated nucleic acid molecule comprising a nucleotide sequence encoding ELF5 wherein said ELF5 comprises an Ets domain.

⁶⁰~~52~~. (NEW) An isolated nucleic acid molecule or derivative, homologue or analogue thereof comprising a nucleotide sequence encoding, or a nucleotide sequence complementary to a nucleotide sequence encoding, an amino acid sequence substantially as set forth in <400>2 or a derivative homologue or mimetic thereof or having at least about 45% or greater similarity to at least 10 contiguous amino acids in <400>2.

⁶¹~~53~~. (NEW) An isolated nucleic acid molecule or derivative, homologue or analogue thereof comprising a nucleotide sequence substantially as set forth in <400>1 or a derivative or homologue thereof capable of hybridizing to <400>1 under low stringency conditions.

⁶²~~54~~. (NEW) An isolated nucleic acid molecule according to claim 61 which further encodes an amino acid sequence substantially as set forth in <400>2 or a sequence having at least about 45% similarity to at least 10 contiguous amino acids in <400>2.

⁶³~~55~~. (NEW) An isolated nucleic acid molecule according to claim 60 substantially as set forth in <400>1.

⁶⁴~~56~~. (NEW) An isolated nucleic acid molecule or derivative, homologue or analogue thereof comprising a nucleotide sequence encoding, or a nucleotide sequence complementary to a nucleotide sequence encoding, an amino acid sequence substantially as set forth in <400>4 or a derivative, homologue or mimetic thereof or having at least about 45% or greater similarity to at least 10 contiguous amino acids in <400>4.

⁶⁵~~57~~. (NEW) An isolated nucleic acid molecule or derivative, homologue or analogue thereof comprising a nucleotide sequence substantially as set forth in <400>3 or a derivative or homologue thereof capable of hybridizing to <400>3 under low stringency conditions.

Appl. No. : Not yet assigned

Filed : Herewith

~~66~~ 58. (NEW) An isolated nucleic acid molecule according to claim 65 which further encodes an amino acid sequence substantially as set forth in <400>4 or a sequence having at least about 45% similarity to at least 10 contiguous amino acids in <400>4.

~~67~~ 59. (NEW) An isolated nucleic acid molecule according to claim 64 substantially as set forth in <400>3.

~~68~~ 60. (NEW) An isolated nucleic acid molecule or derivative, homologue or analogue thereof comprising a nucleotide sequence encoding, or a nucleotide sequence complementary to a nucleotide sequence encoding, an amino acid sequence substantially as set forth in <400>7 or a derivative, homologue or mimetic thereof or having at least about 45% or greater similarity to at least 10 contiguous amino acids in <400>7.

~~69~~ 61. (NEW) An isolated nucleic acid molecule or derivative, homologue or analogue thereof comprising a nucleotide sequence substantially as set forth in one of <400>5 or <400>6 or a derivative or homologue thereof capable of hybridizing to one of <400>5 or <400>6 under low stringency conditions.

~~70~~ 62. (NEW) An isolated nucleic acid molecule according to claim 69 which further encodes an amino acid sequence corresponding to an amino acid sequence set forth in <400>7 or a sequence having at least about 45% similarity to at least 10 contiguous amino acids in <400>7.

~~71~~ 63. (NEW) An isolated nucleic acid molecule according to claim 68 substantially as set forth in <400>5 or <400>6.

~~72~~ 64. (NEW) An isolated protein or derivative, homologue, analogue, chemical equivalent or mimetic thereof wherein said protein is ELF5 which ELF5 comprises an Ets domain.

~~73~~ 65. (NEW) An isolated protein comprising an amino acid sequence substantially as set forth in <400>2 or a derivative, homologue or mimetic thereof or a sequence having at least about 45% similarity to at least 10 contiguous amino acids in <400>2 or a derivative, homologue, analogue, chemical equivalent or mimetic of said protein.

~~74~~ 66. (NEW) An isolated protein according to claim 73 encoded by a nucleotide sequence substantially as set forth in <400>1 or a derivative, homologue or analogue thereof or capable of hybridizing to <400>1 under low stringency conditions or a derivative, homologue, analogue, chemical equivalent or mimetic of said protein.

Appl. No. : Not yet assigned

Filed : Herewith

~~75~~
~~67.~~ (NEW) An isolated protein according to claim 73 substantially as set forth in <400>2.

~~76~~
~~68.~~ (NEW) An isolated protein having an amino acid sequence substantially as set forth in <400>4 or a derivative, homologue or mimetic thereof or a sequence having at least about 45% similarity to at least 10 contiguous amino acids in <400>4 or a derivative, homologue, analogue, chemical equivalent or mimetic of said protein.

~~77~~
~~69.~~ (NEW) An isolated protein according to claim 76 encoded by a nucleotide sequence substantially as set forth in <400>3 or a derivative, homologue or mimetic thereof or capable of hybridizing to <400>3 under low stringency conditions or a derivative, homologue, analogue, chemical equivalent or mimetic of said protein.

~~78~~
~~70.~~ (NEW) An isolated protein according to claim 76 substantially as set forth in <400>4.

~~79~~
~~71.~~ (NEW) An isolated protein comprising an amino acid sequence substantially as set forth in <400>7 or a derivative, homologue or mimetic thereof or a sequence having at least about 45% similarity to at least 10 contiguous amino acids in <400>7 or a derivative, homologue, analogue, chemical equivalent or mimetic of said protein.

~~80~~
~~72.~~ (NEW) An isolated protein according to claim 79 encoded by a nucleotide sequence substantially as set forth in one of <400>5 or <400>6 or a derivative, homologue or mimetic thereof or capable of hybridizing to one of <400>5 or <400>6 under low stringency conditions or a derivative, homologue, analogue, chemical equivalent or mimetic of said protein.

~~81~~
~~73.~~ (NEW) An isolated protein according to claim 79 substantially as set forth in <400>7.

~~82~~
~~74.~~ (NEW) An isolated protein according to claim 72 which protein is a homodimer.

~~83~~
~~75.~~ (NEW) An isolated protein according to claim 72 which protein is a heterodimer.

~~84~~
~~76.~~ (NEW) A method of modulating expression of *ELF5* in a mammal, said method comprising contacting the *ELF5* gene with an effective amount of an agent for a time and under conditions sufficient to modulate expression of *ELF5*.

Appl. No. : Not yet assigned
Filed : Herewith

85
77. (NEW) A method of modulating the functional activity of ELF5 in a mammal, said method comprising administering to said mammal a modulating effective amount of an agent for a time and under conditions sufficient to increase or decrease the ELF5 activity.

86
78. (NEW) A method of modulating cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of an agent for a time and under conditions sufficient to modulate the expression of *ELF5* or sufficient to modulate the activity of ELF5.

87
79. (NEW) A method of modulating cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of a protein according to claim 72 or a derivative, homologue, analogue, chemical equivalent or mimetic thereof for a time and under conditions sufficient to modulate the functional activity of said cell.

88
80. (NEW) A method of modulating cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of a nucleic acid molecule according to claim 59 or a derivative, homologue, analogue, chemical equivalent or mimetic thereof for a time and under conditions sufficient to modulate the functional activity of said cell.

89
81. (NEW) A method of modulating cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of an agent for a time and under conditions sufficient to modulate the expression of *ELF5* or sufficient to modulate the activity of ELF5 wherein said *ELF5* expression product or ELF5 modulates the activity of said cell.

90
82. (NEW) A method according to any one of claim 86 wherein said functional activity is proliferation.

91
83. (NEW) A method according to claim 90 wherein said cell is a neoplastic epithelial cell and said modulation is down-regulation.

92
84. (NEW) A method according to claim 91 wherein said neoplastic epithelial cell is of breast, prostate or lung origin.

93
85. (NEW) A method for the treatment and/or prophylaxis of a condition characterized by the aberrant, unwanted or otherwise inappropriate cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of an

Appl. No. : Not yet assigned
Filed : Herewith

agent for a time and under conditions sufficient to modulate the expression of *ELF5* wherein said modulation results in modulation of cellular functional activity.

⁹⁴
86. (NEW) A method for the treatment and/or prophylaxis of a condition characterized by the aberrant, unwanted or otherwise inappropriate cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of an agent for a time and under conditions sufficient to modulate the activity of *ELF5* wherein said modulation results in modulation of cellular functional activity.

⁹⁵
87. (NEW) A method for the treatment and/or prophylaxis of a condition characterized by the aberrant, unwanted or otherwise inappropriate cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of a protein according to claim 72 or a derivative, homologue, analogue, chemical equivalent or mimetic thereof for a time and under conditions sufficient to modulate cellular functional activity.

⁹⁶
88. (NEW) A method for the treatment and/or prophylaxis of a condition characterized by the aberrant, unwanted or otherwise inappropriate cellular functional activity in a mammal said method comprising administering to said mammal an effective amount of a nucleic acid molecule according to claim 59 or a derivative, homologue, analogue, chemical equivalent or mimetic thereof for a time and under conditions sufficient to modulate cellular functional activity.

⁹⁷
89. (NEW) A method of treating a mammal according to any one of claims 93-96 wherein said condition is an epithelial cell malignancy.

⁹⁸
90. (NEW) A method according to claim 97 wherein said malignant epithelial cell is of breast, prostate or lung origin.

⁹⁹
91. (NEW) A method according to claim 97 wherein said functional activity is proliferation and said modulation is down-regulation.

¹⁰⁰
92. (NEW) A pharmaceutical composition comprising *ELF5*, *ELF5* or an agent capable of modulating *ELF5* expression or *ELF5* activity or derivative, homologue, analogue, chemical equivalent or mimetic thereof together with one or more pharmaceutically acceptable carriers and/or diluents.

¹⁰¹
93. (NEW) An isolated antibody directed to the protein according to claim 72.

Appl. No. : Not yet assigned
Filed : Herewith

¹⁰²~~94~~. (NEW) An isolated antibody directed to the nucleic acid molecule according to claim 59.

¹⁰³~~95~~. (NEW) The antibody according to claim 101 wherein said antibody is a monoclonal antibody.

¹⁰⁴~~96~~. (NEW) The antibody according to claim 101 wherein said antibody is a polyclonal antibody.

¹⁰⁵~~97~~. (NEW) A method of diagnosing or monitoring a mammalian disease condition, which disease condition is characterized by aberrant cellular functional activity, said method comprising screening for ELF5 or *ELF5* in a biological sample isolated from said mammal.

¹⁰⁶~~98~~. (NEW) A method for detecting an agent capable of modulating the function of ELF5 or its functional equivalent or derivative thereof said method comprising contacting a cell or extract thereof containing said ELF5 or its functional equivalent or derivative with a putative agent and detecting an altered expression phenotype associated with said ELF5 or its functional equivalent or derivative.

¹⁰⁷~~99~~. (NEW) A method for detecting an agent capable of modulating the function of ELF5 or its functional equivalent or derivative thereof said method comprising contacting an epithelial cell containing said ELF5 or its functional equivalent or derivative with a putative agent and detecting an altered proliferation rate.

¹⁰⁸~~100~~. (NEW) A method for detecting an agent capable of binding or otherwise associating with an ELF5 binding site or functional equivalent or derivative thereof said method comprising contacting a cell containing said ELF5 binding site or functional equivalent or derivative thereof with a putative agent and detecting an altered expression phenotype associated with modulation of the function of ELF5 or its functional equivalent or derivative.

REMARKS

By present amendments, Applicants have incorporated into the specification a paragraph indicating that the present application is the national phase of the aforementioned International Application, to which the present application claims priority. Applicants have also included a new set of claims to be examined with this application. Applicants maintain that the new claims add no new matter and are fully supported by the specification and the priority document. By